

606.4A LONGITUDINAL ENCROACHMENTS – TELECOMMUNICATIONS

The Department may accommodate longitudinal telecommunications encroachments within controlled access right-of-way. Telecommunications are defined as any facility used to transmit voice, data, and/or video signals that are not transmitted through the air, including conduits, and cabling.

Accommodation shall be in accordance with Federal and State laws and shall not adversely impact the safety of motorists, highway workers or the aesthetic quality of the highway.

Underground longitudinal telecommunications encroachments within controlled access right-of-way may be approved at the District level subject to all of the requirements shown in Table 6.0. Requests submitted for the replacement of telecommunications (regardless of capacity or upgrade issues) shall adhere to policy as a new submittal.

The Headquarters Division of Design may approve exceptions to mandatory design standards in accordance with Departmental policy on encroachment exceptions.

606.4B CPUC Mandate: New telecommunication wiring within existing facilities

In conjunction with the California Public Utility Commission (CPUC) imposed mandate, existing telecommunications franchises must now share their unused conduits with competitors.

The Department may allow new telecommunication franchises to place their "**cabling only**" (fiber optics or wire) into an existing facility that falls under the parameters of "prior rights" or an "exception to policy", belonging to another telecommunications franchise within controlled access right-of-way.

The requesting telecommunications franchise shall submit proof of concurrence from the owning telecommunications franchise by means of an agreement, letter or contract when submitting their encroachment permit application.

Table 6.0
Requirements for Longitudinal Telecommunication Encroachments
on controlled access right-of-way

- 1) All installations shall be **underground** and subject to Department policy on encroachment permits including all applicable local, state and federal laws and regulations.
- 2) The Department may consider accommodation under master agreements, airspace leases, Request For Proposals (RFP) or any other legally acceptable method.
- 3) Compensation as determined by Headquarters Division of Right of Way shall be paid by the applicant. In lieu of whole or part of compensation, the Department may request that: conduits, fibers, access points, cabinets, vaults and/or stations dedicated for public use be placed at certain locations. The current fee schedule can be found at: <http://www.dot.ca.gov/hq/row/rps/Fiberoptic.htm>
- 4) Telecommunications shall be placed outside the Clear Recovery Zone (CRZ, see Highway Design Manual), while telecommunications related facilities such as access points, cabinets, vaults and/or stations shall be placed outside controlled access right-of-way limits.
- 5) Telecommunications may be allowed within existing conduits if such conduits are outside the CRZ, while telecommunications related facilities such as access points, cabinets, vaults, and/or stations shall be placed outside controlled access right-of-way limits.
- 6) Telecommunications shall be placed as far from the traveled way as feasible.
- 7) The minimum underground depth of cover of telecommunications shall be 1.1 m (42").
- 8) Telecommunications shall not be permitted in the median.
- 9) Telecommunications shall not be permitted in existing or planned traveled lanes.
- 10) Routine maintenance of telecommunications and telecommunications related facilities shall be conducted under individual encroachment permits and not allowed under "blanket permits".
- 11) The Department may request that applicants place adequate conduit space at the time of initial installation to provide access for all reasonably foreseeable users (including itself), for the fifteen year period after installation as determined by applicant and approved by Department.
- 12) District may also limit construction activities (the number of trenching, plowing or boring) to once every five years if any of the following conditions apply:
 - a) Longitudinal telecommunications installation is fully or partially proposed within the CRZ and an encroachment exception is granted.
 - b) Installation exceeds one mile in length.
 - c) District determines that the future installation of telecommunication facilities will be limited because of physical constraints, limited right of way width, safety or other relevant factors.
- 13) If construction activities are limited as provided in 12), applicants will be required to provide public notice informing interested parties of the limitations and providing them an opportunity to respond and/or participate in the project (joint build). The notice process shall be as follows:
 - a) Applicant publishes a notice in one newspaper of general circulation in the county/counties where the project is proposed. The notice must provide a public response period of no less than 30 days from the date of publication; and
 - b) Applicant must provide notice to all telecommunication companies (obtain list from California Public Utilities Commission - CPUC) including a response period of no less than 30 days from the day they are notified. A copy of this notice shall be attached to the encroachment permit application.

DEFINITIONS OF TERMINOLOGY USED IN POLICY & GUIDELINES IN RELATION TO UTILITY INSTALLATIONS/FACILITIES

Franchise

A franchise is a privately owned company that has been licensed as a corporation and is regulated by the California Public Utilities Commission to operate in the State of California.

Granting of Franchises by a Regulatory Entity authorizing the privilege to operate within their boundaries

A City/County has the authority to grant franchises to privately owned companies, to operate within their boundaries (City/County limits), and provide utility services.

The CPUC has the delegated authority to grant franchises to operate and provide utility services within the State of California.

Telecommunications:

The installation of wiring, to include but not limited to fiber optic cabling or hard wiring (copper or aluminum).

Telecommunication Facilities:

The installation and placement of conduits (Steel, G.I.P., H.D.P.E., M.D.P.E., or P.V.C.) splice boxes, vaults, manholes, regeneration/boosting stations, or cabinets.

New Installation:

A new installation is placed in a location where none are existing.

An existing facility:

A facility installed in a prior era of time (months, years).

Occupation of an existing facility:

The placement of telecommunications within an existing empty facility.

Upgrade:

An upgrade consists of an increase in the size or capacity of the existing.

Repairs:

To correct problems with an existing installation/facility that is deemed inoperable by the owner.

Replacement in kind:

When an owner cannot correct a problem with an existing facility and is deemed inoperable, the owner shall replace that existing facility with another of the same size or capacity.

Relocation:

Relocation is required when a property owner proposes and performs improvements to their property, which will have an impact on an existing facility.

Relocation within State Rights-of-Way:

Relocation is required from an existing location to a designated location remaining within the existing or proposed State rights-of-way.

Relocation out of State Rights-of-Way:

Relocation is required from an existing location to a location out of the existing or proposed State rights-of-way.

Modification:

A revision to, or change of an existing installation/facility, which does not increase size or capacity.

Discovery:

It is determined that an existing installation/facility has been modified or upgraded. The installation/facility design or capacity exceeds that, which was allowed for placement under the original encroachment permit.